

Remarks

Reconsideration of the application is respectfully  
5 requested. Figs. 1-2 have been designated with the legend  
"Prior Art." Replacement sheets labeled "Replacement Sheet"  
in the page header have been submitted. No new matter has  
been added to the drawings or the claims. MAKE SURE "PRIOR  
ART" AND "REPLACEMENT SHEET" ARE ADDED TO THE TOP MARGIN OF  
10 THE REVISED DRAWINGS.

Applicant noticed that Fig. 2 was used in the  
corresponding published application number US 2007/0095490.  
Fig. 3 should have been used instead as was used in the  
underlying PCT application. Appropriate correction is  
15 requested since Fig. 2 merely shows prior art.

Claims 1-7 were rejected under Section 103 as being  
obvious over Snekenes (US Patent No. 6,120,646). This  
rejection is respectfully traversed.

In paragraph 6, on page 4 of the Office action, the  
20 Examiner states that the application currently names joint  
investors. This statement should be withdrawn since the  
current application has a sole inventor.

An important feature of the present invention is  
that the expulsion fluid is not conveyed to the high pressure  
25 inlet of the sluice feeder but directly to recovery instead  
while extracted fluid from the digester is conveyed directly  
to the high-pressure inlet of the sluice feeder. This

eliminates the need for the expensive high-pressure pump in the low-pressure system of the sluice feeder.

5 The Examiner correctly states that Snekkenes fails to disclose the recycling lines as claimed. The Examiner then states that recycling portions of streams is very well known in the art. This may be true but it should be noted that it is not recycling per se that is being claimed in the amended claim 1. The amended claim 1 requires the step of withdrawing fluid from the first outlet of the sluice feeder and  
10 forwarding the withdrawn fluid directly to a recovery system so that the withdrawn fluid constitutes at least 20% of the total amount recovered while being at least 1 cubic meter per ton of pulp. It is submitted that none of the cited references teaches or suggests this step.

15 Snekkenes ('646 patent) merely describes a feeding system for feeding a cellulose material that requires the expensive high pressure pumps to pump fluid from the low pressure system to the high pressure system of the sluice feeder. It is submitted that none of the cited references  
20 teaches or suggests sending the withdrawn liquid from the low-pressure outlet of the sluice feeder directly to recovery.

It is further submitted that it would not be obvious to modify Snekkenes to send the liquid in the re-circulation line 34 (Fig. 2) or line 54 (Fig. 3) directly to recovery.  
25 One important feature of Snekkenes' invention in the '646 patent is that the screening device in the low pressure

outlet, the in-line drainer and the level tank have been eliminated. He solved this by always keeping a liquid communication between the pumps on the liquid side of the sluice feeder and the chute (see col. 3, lines 5-16). In this way, the chute liquid level is controlled by a valve in the line. If the current invention is modified to send the liquid withdrawn from the low pressure outlet of the sluice feeder to the recovery, it would not be possible to regulate the liquid level in the chute as required by Snekkenes' invention. He is even teaching away from a system that has no such liquid communication, such as when the screening device is plugged or the line is not connected to the chute since that would require a level tank (see col. 3, lines 12-16). Additionally, if the line from the low-pressure outlet of the sluice feeder is connected directly to recovery, it would not be possible to connect the pump in the re-circulation line in series with a second pump that pumps liquid from the low pressure re-circulation conduit to the high pressure return line, as taught by Snekkenes in col. 3, lines 22-33.

It is submitted that there is no motivation to carry out the required modification to Snekkenes system in the '646 patent because it would destroy the advantages outlined by him and make the very expensive high-pressure pump 57 insignificant or even useless.

It has long been held that for a modification to be obvious, Snekkenes must explicitly teach or suggest the

required step to motivate the artisan to make the required modifications. In re Fine 5 USPQ.2d (Fed. Cir. 1988), the court ruled (on page 1944) that there must be a motivation for the required modification to be obvious. In Winner  
5 International Royalty Corp. v. Wing 48 USPQ.2d 1139, the court ruled (on page 1144) that there must have been some explicit teaching or suggestion in the art to motivate one of ordinary skill in the art to make the required modifications.

Applicants submit that the cited Snekkenes patent  
10 completely lacks the required teaching or suggestion to motivate the artisan to make the required modifications to Snekkenes' invention. In other words, it would not be obvious for an artisan to learn about the step of forwarding the pressurized fluid directly to recovery by reviewing the  
15 teachings of Snekkenes when Snekkenes completely fails to teach or suggest this step and it would make Snekkenes' process much less effective since the chute liquid level could not be controlled as well and it would render the expensive high-pressure pump in the re-circulation line unnecessary.

20 In view of the above, it is submitted that the amended claim 1 is allowable.

Claims 2-7 are submitted to be allowable because they depend upon the allowable base claim 1 and because they include limitations that are not taught or suggested in cited  
25 reference.

5

10           The application is now submitted to be in condition  
for allowance, and such action is respectfully requested.

Respectfully submitted,

FASTH LAW OFFICES

/rfasth/

15

---

Rolf Fasth

Registration No. 36,999

**Attorney Docket No. 128.1265USN**

20

FASTH LAW OFFICES  
26 Pinecrest Plaza, Suite 2  
Southern Pines, NC 28387-4301  
Telephone: (910) 687-0001  
Facsimile: (910) 295-2152

25